

“In certain contexts, a display of the Ten Commandments can convey not simply a religious message but also a secular moral message (about proper standards of social conduct). And in certain contexts, a display of the tablets can also convey a historical message (about a historic relation between those standards and the law) — a fact that helps explain the display of those tablets in dozens of courthouses throughout the Nation, including the Supreme Court of the United States.” Justice Stephen Breyer, in Van Orden v. Perry



“For those of us who learned the King James Version of the text long before we understood the meaning of some of its words, God’s Commandments may seem like wise counsel. The question before this Court, however, is whether it is counsel that the State may proclaim without violating the Establishment Clause of the Constitution.

If any fragment of Jefferson’s metaphorical “wall of separation between church and State” is to be preserved — a negative answer to that question is mandatory.” Justice John Paul Stevens, in Van Orden v. Perry

The Fraternal Order Of Eagles Cases

In the late 1950s, in conjunction with the release of the Hollywood blockbuster “The Ten Commandments,” the Fraternal Order of Eagles, a civic group, launched a campaign to donate Ten Commandments monuments (like the one pictured above) to cities, towns, and states across the nation. Estimates are that as many as 4,000 such monuments were eventually donated and put on display in parks and in front of courthouses and state capitols in places such as Frankfort, Kentucky, Austin, Texas, Jefferson City, Missouri, LaCrosse, Wisconsin and Plattsmouth, Nebraska, to name just a few. In the 1990s, however, a flurry of lawsuits were

filed challenging the constitutionality of such displays. One such lawsuit, *Van Orden v. Perry*, was directed at the Eagles monument that stands on the grounds of the State Capitol in Austin, Texas. The case was argued at the U.S. Supreme Court on March 2, 2005.

The Supreme Court upheld Texas’ display of the Eagles monument. In the last opinion of a long and distinguished career, Chief Justice William Rehnquist wrote: “acknowledgments of the role played by the Ten Commandments in our Nation’s heritage are common throughout America. We need only look within our own Courtroom.” After

listing the dozens of representations of the Decalogue appearing in courthouses and other government buildings, the numerous Executive and Legislative recognitions of the Decalogue’s influence, and while acknowledging the undeniable religious significance of the text, Rehnquist wrote, “But Moses was a lawgiver as well as a religious leader. And the Ten Commandments have an undeniable historical meaning, as the foregoing examples demonstrate.”

Source: *Van Orden v. Perry*, 125 S.Ct. 2854 (2005).

Illustration: Fraternal Order of Eagles Ten Commandments Monument.